

JAN 12 2009

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Date: January 11, 2009

To: Examiner J. Van Bramer GAU 3622 U.S. Patent and Trademark Office

Fax: 571-273-8300

From: William J. Clemens

Re: 15662

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COMMENTS: Please see the following Fee Transmittal form and Brief on Appeal for filing in the patent application S/N 09/940,117. Thank you.

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PTO/SB/17 (10-08)

Approved for use through 06/30/2010. OMB 0851-0032

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Effective on 12/09/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2009☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 540.00

Complete if Known

Application Number	09/940,117
Filing Date	August 28, 2001
First Named Inventor	Robibero
Examiner Name	J. Van Bramer
Art Unit	3622
Attorney Docket No.	15662

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 50-3156 Deposit Account Name:

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
52	26

Each independent claim over 3 (including Reissues)

220	110
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Multiple dependent claims

390	195
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Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 20 or HP = x =

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP = x =

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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- 100 = / 50 = (round up to a whole number) x =


4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief

540

SUBMITTED BY

Signature		Registration No. 26,855 (Attorney/Agent)	Telephone 248-960-2100
Name (Print/Type)	William J. Ojemens		Date January 11, 2009

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Date of signature and transmission JANUARY 11, 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: ROBIBERO)	Group Art Unit: 3622
)	
Serial No.: 09/940,117)	Examiner: J. Van Bramer
)	
Filed: August 28, 2001)	Attorney Docket: 15662
)	
For: APPARATUS AND METHOD FOR)	Confirmation No.: 3920
<u>USING EQUIPMENT REMOTE ...</u>)	

January 11, 2009

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF ON APPEAL

Honorable Sir:

This is an Appeal from the action of the Examiner dated July 8, 2008, finally rejecting Claims 18-39 in the above-identified patent application. Appellant filed a Notice of Appeal and a Pre-Appeal Brief Conference Request on October 7, 2008. A Pre-Appeal Brief Conference Decision was mailed on December 11, 2008, and reset the time period for filing Brief on Appeal to one month from the mailing date of the Decision. This Brief on Appeal is being filed under the provisions of 37 C.F.R. § 41.37.

A decision on whether to request an oral hearing will be delayed until after the Examiner's Answer has been received.

(i) *Real Party in Interest:*

The real party in interest is INVENTIO AG, the assignee of record.

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(ii) *Related Appeals and Interferences:*

Appellant is not aware of any related appeals or interferences.

(iii) *Status of Claims:*

Claims 18-39 remain pending in the application and presently stand rejected. This appeal is taken as to all of the rejected claims.

(iv) *Status of amendments:*

There are no amendments pending in the application.

(v) *Summary of claimed subject matter:*

The invention sought to be patented relates to a method and an apparatus for using customer equipment remote monitoring to generate automated product sales offers to the associated customer based upon perceived need. While monitoring elevator and escalator systems, a remote monitoring system can control and assess many equipment or system parameters, which can later be used to justify a specific product offering or upgrade that would be of interest to a customer. For example, parameters that can be used to determine specific customer product offering opportunities include, but are not limited to, application modifications such as changes in software, mode of operation, and features, usage parameters such as run time, trips per hour, and cycle times, environmental parameters such as temperature changes, utility power, and weather, and equipment performance parameters such as mechanical deterioration. This monitored data is typically stored in a central database, or an equipment database. The present invention recognizes that relevant target system parameters may be identified that indicate customer needs from parameters that are already being monitored by the remote monitoring system and stored in the equipment database. A novel database can be then created for utilizing these target parameters for the customer's specific installation. The novel database matches new or upgraded product benefits from the enterprise-wide information database system to these target parameters. The matched information is then processed automatically into a proposal for the new product or upgrade for the customer

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and sent either by mail or over the Internet directly to the customers, or sent internally within the service company to be used as leads by service company sales representatives.

The novel apparatus as set forth in independent Claim 18 comprises:

- a. an input means located at and connected to an elevator installation or an escalator installation for receiving dynamic parametric data information related to electrical and mechanical operating parameters of customer equipment in the installation being remotely monitored, said dynamic parametric data information being suitable for service purposes, said operating parameters including at least one of a usage parameter, an environmental parameter and mechanical deterioration; (Specification at: page 6, line 19 through page 7, line 3, Drawings at: Fig. 1, reference numerals 12 and 14.)
- b. an equipment database storage device remote from the installation and connected to said input means for receiving and storing said dynamic parametric data information in a form suitable for determining when to take corrective service action at the installation based upon said dynamic parametric data information; (Specification at: page 7, lines 9-30. Drawings at: Fig. 1, reference numeral 20.)
- c. a product database storage device for storing product information related to characteristics of a plurality of products related to the customer equipment, said product information for each said characteristic including a limit corresponding to a possible value of said dynamic parametric data information of an associated one of said operating parameters; and (Specification at: page 7, line 31 through page 8, line 15. Drawings at: Fig. 1, reference numeral 22.)
- d. an offer generator means connected to said equipment database storage device and to said product database storage device for comparing a value of said stored dynamic parametric data information of a selected one of said operating parameters with at least one of said stored product information limits corresponding to said selected one operating parameter, said offer generator means generating a sales offer for a product associated with said

limit directed to the customer associated with the customer equipment when said value and said limit have a predetermined relationship representing a maintenance requirement. (Specification at: page 8, lines 5-7 and 16-23. Drawings at: Fig. 1, reference numeral 24.)

Claims 19 to 27, 37 and 39 depend from and include at least the same limitations recited in independent Claim 18.

Claim 19 further recites "a customer database storage device connected to said offer generator means for receiving said sales offer and a web server connected to said customer database storage device for sending said sales offer to the customer." (Specification at: page 8, line 23 through page 9, line 4. Drawings at: Fig. 1, reference numerals 26 and 28.)

Claim 20 further recites "said web server generates said sales offer on a web page for viewing by the customer." (Specification at: page 8, lines 30-32. Drawings at: Fig. 1, reference numerals 28 and 30.)

Claim 21 further recites "said web server generates said sales offer as an e-mail message for transmission to the customer." (Specification at: page 9, lines 1-3.)

Claim 22 further recites "a customer database storage device connected to said offer generator means for receiving said sales offer, said customer database storage device verifying accuracy of said sales offer against customer information stored in said customer database storage device." (Specification at: page 8, lines 23-28. Drawings at: Fig. 1, reference numerals 24 and 26.)

Claim 23 further recites "a customer database storage device connected to said offer generator for receiving said sales offer, said customer database storage device using customer information stored therein for transmitting said sales offer to the customer." (Specification at: page 8, lines 23-28. Drawings at: Fig. 1, reference numerals 24 and 26.)

Claim 24 further recites "said input means includes an interface connected to the customer equipment for receiving said parametric data information, a data collector means connected to said equipment database storage device and data transfer means connected between said interface and said data collector means for transferring said